

# REPORT TO COUNTYWIDE OVERSIGHT BOARD OF MADERA COUNTY

## Approved by:

  
\_\_\_\_\_  
Claudia Mendoza, Recording Secretary

Meeting of: January 23, 2020

Agenda Number: 3.3

## SUBJECT

Consideration of a Resolution Approving an Amendment to the Bylaws of the Madera Countywide Oversight Board

## RECOMMENDATION

Staff recommends the Countywide Oversight Board adopt the resolution approving the amendment to the Bylaws of the Madera Countywide Oversight Board.

## SUMMARY

Staff has prepared a “redline” version of the amended Agency Bylaws for the Board’s consideration that specifically identify the changes being recommended to Article III, Section 1.

## DISCUSSION

Due to scheduling conflicts of some of the Board Members, Chairperson Stell Manfredi recommended that the Regular Meetings begin at 9:00 am instead of 8:30 am. Actions of the Board approving changes in the meeting time require an amendment to the Bylaws. The recommended change is as follows:

### Article III - Section 1 – Regular Meetings

- ✓ Meeting time has been corrected to reflect the new start time of the Regular Meeting from 8:30 am to 9:00 am.

## FINANCIAL IMPACT

The requested amendment will have no fiscal impact.

## ALTERNATIVES

Do not adopt the resolution amending Bylaws and continue to hold Regular Meetings at 8:30 am.

## ATTACHMENTS

1. Resolution
2. Amended Bylaws (Redline version)

## **ATTACHMENT 1**

### **RESOLUTION NO. COB 20-**

#### **RESOLUTION OF THE COUNTYWIDE OVERSIGHT BOARD MADERA COUNTY, CALIFORNIA, APPROVING AMENDMENT TO COUNTYWIDE OVERSIGHT BOARD BYLAWS**

**WHEREAS**, as part of Health and Safety Code Section 34179 (j) a Countywide Oversight Board shall replace existing Oversight Boards where more than one Oversight Board had been created to wind down the former redevelopment agencies' affairs; and

**WHEREAS**, on October 18, 2018, the Countywide Oversight Board adopted Bylaws, and

**WHEREAS**, the Board recommended changes in Article III, Section 1 as it relates to meeting time; and

**WHEREAS**, in accordance with Article III, Section 12, of the Countywide Oversight Board Madera County's Bylaws, Board members received a proposed draft of amended Bylaws at least seven days prior to the date of this meeting; and

**NOW, THEREFORE**, the Countywide Oversight Board for the County of Madera hereby finds, determines, resolves and orders as follows:

1. The above recitals are true and correct.
2. The Countywide Oversight Board of Madera County hereby approves the amendment of Article III, Section 1 of the Bylaws, changing the regular meeting time to 9:00 am and as shown on the attached red-lined version.
3. This resolution is effective immediately upon adoption.

\* \* \* \* \*

**ATTACHMENT 2**

**COUNTYWIDE OVERSIGHT BOARD**

**MADERA COUNTY**

**CALIFORNIA**

**BYLAWS**

**ARTICLE I – THE COUNTY OVERSIGHT BOARD**

Section 1. Purpose

The Countywide Oversight Board (hereinafter the “Oversight Board”) shall perform the duties described in Chapter 4 (commencing with Section 34179) of Part 1.85 of Division 24 of the Health and Safety Code in connection with the winding down of the affairs of the former Madera County Redevelopment Agencies (hereinafter the “former Agencies”) by the City of Chowchilla and City of Madera in their capacity as the Successor Agencies (hereinafter the Successor”).

Section 2. Membership

a. Total Membership/Appointment

The total membership of the Oversight Board shall be seven (7) selected as follows:

- (1) One member shall be appointed by the Board of Supervisors of the County of Madera;
- (2) One member shall be appointed by the city selection committee established pursuant to Section 50270 of the Government Code;
- (3) One member shall be appointed by the independent special district selection committee established pursuant to Section 56332 of the Government Code, for the types of special districts that are eligible to receive property tax revenues pursuant to Section 34188;
- (4) One member may be appointed by the county superintendent of schools to represent schools if the superintendent is elected;

- (5) One member shall be appointed by the Chancellor of the California Community Colleges to represent community college districts in the County of Madera;
- (6) One member shall be a member of the public appointed by the Board of Supervisors of the County of Madera; and
- (7) One member, to represent the employees of the former Redevelopment Agency, shall be appointed by the recognized employee organization representing the largest number of successor agency employees in the county.

The members shall serve without compensation and without reimbursement for expenses. Each member shall serve at the pleasure of the entity that appointed such member.

b. Duration

The Countywide Oversight Board shall cease to exist when all successor agencies subject to its oversight have been formally dissolved pursuant to Section 34187.

Section 3. Local Entity

Pursuant to subdivision (3) of Section 34179 of the Health and Safety Code, the Oversight Board shall be deemed to be a local entity for purposes of the Ralph M. Brown Act, the California Public Records Act, and the Political Reform Act of 1974.

Section 4. Personal Immunity

Oversight Board members shall have personal immunity from suit for their actions taken within the scope of their responsibilities as members of the Oversight Board.

Section 5. Fiduciary Responsibilities

Oversight Board members shall have fiduciary responsibilities to holders of enforceable obligations, as that term is defined in subdivision (d) of Section 34171 of the Health and Safety Code, and the taxing entities that benefit from distributions of property tax and other revenue pursuant to Section 34188 of the Health and Safety Code.

#### Section 6. Resignation

Any Oversight Board member may resign at any time by giving written notice to the Chairperson, who shall forward such notice to the Successor Agency and to DOF. Any such resignation will take effect upon receipt or upon any date specified therein. The acceptance of such resignation shall not be necessary to make it effective.

#### Section 7. Filling of Vacancies

In the event of a vacancy on the Oversight Board, the appointing entity for the vacant seat shall select a member to fill such vacancy as soon as reasonably practicable, provided, however, that the Governor may appoint individuals to fill any member position that remains vacant for more than sixty (60) days.

### **ARTICLE II – OFFICERS**

#### Section 1. Chairperson

The Chairperson shall preside at all meetings of the Oversight Board. The Chairperson shall sign all documents necessary to carry out the business of the Oversight Board.

#### Section 2. Vice Chairperson

The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In the event of the death, resignation or removal of the Chairperson, the Vice Chairperson shall assume the Chairperson's duties until such time as the Oversight Board shall elect a new Chairperson.

#### Section 3. Secretary

The Executive Director of the Successor Agency shall designate a person to serve as the Secretary to the Oversight Board. The Secretary shall keep the records of the Oversight Board, shall act as secretary at meetings of the Oversight Board, shall record all votes, keep a record of the proceedings of the Oversight Board, and shall perform all duties incident to the office. The Secretary shall maintain a record of all official proceedings of

the Oversight Board and its programs. In the Absence of the Secretary, the Executive Director to the Successor Agency shall appoint a member of the staff to act as Secretary.

#### Section 4. Designated Contact Person for State Department of Finance

The Executive Director of the Successor Agency to the former Madera Redevelopment Agency as selected by the County of Madera shall be the designated point of contact for communications with the Department of Finance.

#### Section 5. Election

The Chairperson and Vice Chairperson shall be elected from among the members of the Oversight Board at the first meeting of the Oversight Board.

#### Section 6. Vacancies

Should the office of the Chairperson or Vice Chairperson become vacant, the Oversight Board shall elect a successor from among the Oversight Board members at the next regular or special meeting.

### **ARTICLE III – MEETINGS**

#### Section 1. Regular Meetings

Regular meetings of the Oversight Board shall be held on the third Thursday of the month. Meetings shall be convened at ~~8:30 a.m~~ 9:00 a.m. and will be held in the Council Chambers at City Hall, 205 West 4<sup>th</sup> Street, Madera, California. In the event that the regular meeting date shall be a legal holiday, then any such regular meeting shall be held on the next succeeding business day at the same hour and location.

#### Section 2. Special Meetings

A special meeting may be called at any time pursuant to and in accordance with the provisions of the Ralph M. Brown Act (Government Code Sections 54959 et seq.).

### Section 3. Adjourned Meetings

Any meeting of the Oversight Board may be adjourned to an adjourned meeting without the need for notice requirements of a special meeting, provided the adjournment indicates the date, time and place of the adjourned meeting. Oversight Board members absent from the meeting at which the adjournment decision is made shall be notified by the Secretary of the adjourned meeting. In adjourning any meeting, there shall be compliance with all procedures of the Brown Act.

### Section 4. All Meetings to be Open and Public

All meetings of the Oversight Board shall be open and public to the extent required by law. All persons shall be permitted to attend any such meetings, except as otherwise provided by law.

### Section 5. Posting Agendas/Notices

The Secretary or his/her authorized representative, shall post an agenda for each regular or special meeting of the Oversight Board that shall contain a brief description of each item of business to be transacted or discussed at the meeting, together with the time and location of the meeting. Agenda/notices shall be posted at Madera City Hall in a location readily accessible to the public at least seventy-two (72) hours in advance of each regular meeting and at least twenty-four (24) hours in advance of each special meeting.

All notices required by law for proposed actions by the Oversight Board shall also be posted on the Oversight Board's website.

### Section 6 – Order of Business

The order of business of each meeting shall be as contained in the agenda prepared by the Oversight Board Secretary. The agenda shall be a listing by topic of the subjects which shall be taken up for consideration in the following order:

- (1) Call to Order
- (2) Roll Call

- (3) Pledge of Allegiance
- (4) Public Comment
- (5) Consent Calendar
- (6) Presentations/Administrative Reports
- (7) New Business
- (8) Board Member Reports
- (9) Adjournment

At any meeting the majority of the members with four being a majority, may change the order of business.

#### Section 7 – Right of Public to Appear and Speak

At every regular meeting, members of the public shall have an opportunity to address the Oversight Board on matters within the Oversight Board's subject matter jurisdiction. Public input and comment on matters on the agenda, as well as public input and comment on matters not otherwise on the agenda, shall be made during the time set aside for public comment; provided, however, that the Oversight Board may direct that public input and comment on matters on the agenda be heard when the matter regularly comes up on the agenda. The Chairperson may limit the total amount of time allocated for public discussion on particular issues and/or the time allocated for each individual speaker.

#### Section 8 – Non-Agenda Items

Matters brought before the Oversight Board at a regular meeting which were not placed on the agenda of the meeting shall not be acted upon by the Oversight Board at that meeting unless action on such matters is permissible pursuant to the Ralph M. Brown Act (Government Code Section 54950 et seq.). Those non-agenda items brought before the Oversight Board which the Oversight Board determines will require Oversight Board consideration and action and where Oversight Board action at the meeting is not so authorized, shall be placed on the agenda for the next regular meeting.



### Section 9 – Quorum

A majority of the members of the Oversight Board shall constitute a quorum for the purpose of conducting its business, exercising its powers, and for all other purposes. A small number of members may adjourn a meeting from time to time until a quorum is present.

### Section 10. Action Minutes

Action Minutes of the meetings of the Oversight Board shall be prepared in writing by the Secretary. Copies of the minutes of each Oversight Board meeting shall be made available to each member of the Oversight Board. Approved minutes shall be filed in the official records of the Oversight Board.

### Section 11. Conflict of Interest

All Oversight Board members are subject to the provisions of California Law, such as Chapter 7, Title 9, of the California Government Code, relative to conflicts of interest.

### Section 12. Amendments to Bylaws

The Bylaws of the Oversight Board may be amended by the Oversight Board at any regular or special meeting by a vote of the majority of the Oversight Board members, provided that no such amendment shall be adopted unless at least seven days' written notice thereof has been previously given to all members of the Oversight Board. Such notice shall identify the section or sections of the Bylaws proposed to be amended.

\* \* \* \* \*